

110TH CONGRESS  
1ST SESSION

# S. 2076

To amend the Federal Power Act to require the President to designate certain geographical areas as national renewable energy zones, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20, 2007

Mr. REID introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

## A BILL

To amend the Federal Power Act to require the President to designate certain geographical areas as national renewable energy zones, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clean Renewable En-  
5 ergy and Economic Development Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) electricity produced from renewable re-  
9 sources—

1 (A) helps to reduce emissions of green-  
2 house gases and other air pollutants;

3 (B) enhances national energy security;

4 (C) conserves water and finite resources;

5 and

6 (D) provides substantial economic benefits,  
7 including job creation and technology develop-  
8 ment;

9 (2) the potential exists for a far greater per-  
10 centage of electricity generation in the United States  
11 to be achieved through the use of renewable re-  
12 sources, as compared to the percentage of electricity  
13 generation using renewable resources in existence as  
14 of the date of enactment of this Act;

15 (3) many of the best potential renewable energy  
16 resources are located in rural areas far from popu-  
17 lation centers;

18 (4) the lack of adequate electric transmission  
19 capacity is a primary obstacle to the development of  
20 electric generation facilities fueled by renewable en-  
21 ergy resources;

22 (5) the economies of many rural areas would  
23 substantially benefit from the increased development  
24 of water-efficient electric generation facilities fueled  
25 by renewable energy resources;

1           (6) more efficient use of existing transmission  
2 capacity, better integration of resources, and greater  
3 investments in distributed generation and off-grid  
4 solutions may increase the availability of trans-  
5 mission and distribution capacity for adding renew-  
6 able resources and help keep ratepayer costs low;

7           (7) the Federal Government has not adequately  
8 invested in or implemented an integrated approach  
9 to accelerating the development, commercialization,  
10 and deployment of renewable energy technologies  
11 and renewable electricity generation, including  
12 through enhancing distributed generation or through  
13 vehicle- and transportation-sector use; and

14           (8) it is in the national interest for the Federal  
15 Government to implement policies that would en-  
16 hance the quantity of electric transmission capacity  
17 available to take full advantage of the renewable en-  
18 ergy resources available to generate electricity, and  
19 to more fully integrate renewable energy into the en-  
20 ergy policies of the United States, and to address  
21 the tremendous national security and global warm-  
22 ing challenges of the United States.

23 **SEC. 3. NATIONAL RENEWABLE ENERGY ZONES.**

24           (a) IN GENERAL.—Title II of the Federal Power Act  
25 (16 U.S.C. 824 et seq.) is amended—

1 (1) by inserting before the section heading of  
2 section 201 (16 U.S.C. 824 et seq.) the following:

3 **“Subpart A—Regulation of Electric Utility**  
4 **Companies”;**

5 and

6 (2) by adding at the end the following:

7 **“Subpart B—National Renewable Energy Zones**

8 **“SEC. 231. DEFINITIONS.**

9 “In this subpart:

10 “(1) BIOMASS.—

11 “(A) IN GENERAL.—The term ‘biomass’  
12 means—

13 “(i) any lignin waste material that is  
14 segregated from other waste materials and  
15 is determined to be nonhazardous by the  
16 Administrator of the Environmental Pro-  
17 tection Agency; and

18 “(ii) any solid, nonhazardous, cel-  
19 lulosic material that is derived from—

20 “(I) mill residue, precommercial  
21 thinnings, slash, brush, or non-  
22 merchantable material;

23 “(II) solid wood waste materials,  
24 including a waste pallet, a crate,  
25 dunnage, manufacturing and con-

1 construction wood wastes, and landscape  
2 or right-of-way tree trimmings;

3 “(III) agriculture waste, includ-  
4 ing an orchard tree crop, a vineyard,  
5 a grain, a legume, sugar, other crop  
6 byproducts or residues, and livestock  
7 waste nutrients; or

8 “(IV) a plant that is grown ex-  
9 clusively as a fuel for the production  
10 of electricity.

11 “(B) INCLUSIONS.—The term ‘biomass’ in-  
12 cludes animal waste that is converted to a fuel  
13 rather than directly combusted, the residue of  
14 which is converted to a biological fertilizer, oil,  
15 or activated carbon.

16 “(C) EXCLUSIONS.—The term ‘biomass’  
17 does not include—

18 “(i) municipal solid waste;

19 “(ii) paper that is commonly recycled;

20 or

21 “(iii) pressure-treated, chemically-  
22 treated, or painted wood waste.

23 “(2) COMMISSION.—The term ‘Commission’  
24 means the Federal Energy Regulatory Commission.

1           “(3) DISTRIBUTED GENERATION.—The term  
2           ‘distributed generation’ means—

3           “(A) reduced electricity consumption from  
4           the electric grid because of use by a customer  
5           of renewable energy generated at a customer  
6           site; and

7           “(B) electricity or thermal energy produc-  
8           tion from a renewable energy resource for a  
9           customer that is not connected to an electric  
10          grid or thermal energy source pipeline.

11          “(4) ELECTRICITY CONSUMING AREA.—The  
12          term ‘electricity consuming area’ means the area  
13          within which electric energy would be consumed if  
14          new high-voltage electric transmission facilities were  
15          to be constructed to access renewable electricity in  
16          a national renewable energy zone.

17          “(5) ELECTRICITY FROM RENEWABLE EN-  
18          ERGY.—The term ‘electricity from renewable energy’  
19          means—

20          “(A) electric energy generated from solar  
21          energy, wind, biomass, landfill gas, the ocean  
22          (including tidal, wave, current, and thermal en-  
23          ergy), geothermal energy, or municipal solid  
24          waste; or

1           “(B) new hydroelectric generation capacity  
2           achieved from increased efficiency, or an addi-  
3           tion of new capacity, at an existing hydro-  
4           electric project.

5           “(6) FEDERAL TRANSMITTING UTILITY.—The  
6           term ‘Federal transmitting utility’ means—

7                   “(A) a Federal power marketing agency  
8                   that owns or operates an electric transmission  
9                   facility; and

10                   “(B) the Tennessee Valley Authority.

11           “(7) FUEL CELL VEHICLE.—The term ‘fuel cell  
12           vehicle’ means an onroad vehicle or nonroad vehicle  
13           that uses a fuel cell (as defined in section 803 of the  
14           Spark M. Matsunaga Hydrogen Act of 2005 (42  
15           U.S.C. 16152)).

16           “(8) GRID-ENABLED VEHICLE.—The term  
17           ‘grid-enabled vehicle’ means an electric drive vehicle  
18           or fuel cell vehicle that has the ability to commu-  
19           nicate electronically with an electric power provider  
20           or with a localized energy storage system with re-  
21           spect to charging and discharging an onboard energy  
22           storage device, such as a battery.

23           “(9) HIGH-VOLTAGE ELECTRIC TRANSMISSION  
24           FACILITY.—The term ‘high-voltage electric trans-

1 mission facility' means an electric transmission facil-  
2 ity that—

3 “(A) is necessary for the transmission of  
4 electric power from a national renewable energy  
5 zone to an electricity-consuming area in inter-  
6 state commerce; and

7 “(B) has a capacity in excess of 200 kilo-  
8 volts.

9 “(10) INDIAN LAND.—The term ‘Indian land’  
10 means—

11 “(A) any land within the limits of any In-  
12 dian reservation, pueblo, or rancheria;

13 “(B) any land not within the limits of any  
14 Indian reservation, pueblo, or rancheria title to  
15 which was, on the date of enactment of this  
16 subpart—

17 “(i) held in trust by the United States  
18 for the benefit of any Indian tribe or indi-  
19 vidual; or

20 “(ii) held by any Indian tribe or indi-  
21 vidual subject to restriction by the United  
22 States against alienation;

23 “(C) any dependent Indian community;  
24 and



1           “(D) any land conveyed to any Alaska Na-  
2           tive corporation under the Alaska Native  
3           Claims Settlement Act (42 U.S.C. 1601 et  
4           seq.).

5           “(11) NETWORK UPGRADE.—The term ‘net-  
6           work upgrade’ means an addition, modification, or  
7           upgrade to the transmission system of a trans-  
8           mission provider required at or beyond the point at  
9           which the generator interconnects to the trans-  
10          mission system of the transmission provider to ac-  
11          commodate the interconnection of 1 or more genera-  
12          tion facilities to the transmission system of the  
13          transmission provider.

14          “(12) RENEWABLE ELECTRICITY CONNECTION  
15          FACILITY.—

16                 “(A) IN GENERAL.—The term ‘renewable  
17                 electricity connection facility’ means an elec-  
18                 tricity generation or transmission facility that  
19                 uses renewable energy sources.

20                 “(B) INCLUSIONS.—The term ‘renewable  
21                 electricity connection facility’ includes inverters,  
22                 substations, transformers, switching units, stor-  
23                 age units and related facilities, and other elec-  
24                 trical equipment necessary for the development,  
25                 siting, transmission, storage, and interconnec-

1           tion of electricity generated from renewable en-  
2           ergy sources.

3           “(13) RENEWABLE ENERGY CREDIT.—The  
4           term ‘renewable energy credit’ means a unique in-  
5           strument representing 1 or more units of electricity  
6           generated from renewable energy that is designated  
7           by a widely-recognized certification organization ap-  
8           proved by the Commission or the Secretary of En-  
9           ergy.

10          “(14) RENEWABLE ENERGY TRUNKLINE.—

11           “(A) IN GENERAL.—The term ‘renewable  
12           energy trunkline’ means all transmission facili-  
13           ties and equipment within a national renewable  
14           energy zone owned, controlled, or operated by a  
15           transmission provider that is used to deliver  
16           electricity from renewable energy to the point at  
17           which the facility connects to a high-voltage  
18           transmission facility, including any modifica-  
19           tions, additions or upgrades to the facilities and  
20           equipment, at a voltage of 115 kilovolts or  
21           more.

22           “(B) EXCLUSION.—The term ‘renewable  
23           energy trunkline’ does not include a network  
24           upgrade.

1 **“SEC. 232. DESIGNATION OF NATIONAL RENEWABLE EN-**  
2 **ERGY ZONES.**

3 “(a) DESIGNATIONS.—

4 “(1) IN GENERAL.—Except as provided in para-  
5 graph (2), not later than 1 year after the date of en-  
6 actment of this subpart, the President shall des-  
7 ignate as a national renewable energy zone each geo-  
8 graphical area that, as determined by the Presi-  
9 dent—

10 “(A) has the potential to generate in ex-  
11 cess of 1 gigawatt of electricity from renewable  
12 energy, a significant portion of which could be  
13 generated in a rural area or on Federal land  
14 within the geographical area;

15 “(B) has an insufficient level of electric  
16 transmission capacity to achieve the potential  
17 described in subparagraph (A); and

18 “(C) has the capability to contain addi-  
19 tional renewable energy electric generating fa-  
20 cilities that would generate electricity consumed  
21 in 1 or more electricity consuming areas if  
22 there were a sufficient level of transmission ca-  
23 pacity.

24 “(2) EXCLUSIONS.—The President shall not in-  
25 clude in any national renewable energy zone des-  
26 ignated under paragraph (1) any Federal land that

1 (as of the date of enactment of this subpart) is des-  
2 ignated as a wilderness study area, national park,  
3 national monument, national wildlife refuge, or area  
4 of critical environmental concern, if the Federal land  
5 is subject to protective management policies that are  
6 inconsistent with energy development.

7 “(b) RENEWABLE ENERGY REQUIREMENTS.—In  
8 making the designations required by subsection (a), the  
9 President shall take into account Federal and State re-  
10 quirements for utilities to incorporate renewable energy as  
11 part of the load of electric generating facilities.

12 “(c) CONSULTATION.—Before making any designa-  
13 tion under subsection (a), the President shall consult  
14 with—

15 “(1) the Governors of affected States;

16 “(2) the public;

17 “(3) public and private electricity and trans-  
18 mission utilities and cooperatives;

19 “(4) public utilities commissions and regional  
20 electricity planning organizations;

21 “(5) Federal and State land management and  
22 energy and environmental agencies;

23 “(6) renewable energy companies;

24 “(7) local government officials;

1           “(8) renewable energy and energy efficiency in-  
2           terest groups;

3           “(9) Indian tribes; and

4           “(10) environmental protection and land, water,  
5           and wildlife conservation groups.

6           “(d) RECOMMENDATIONS.—Not sooner than 3 years  
7           after the date of enactment of this subpart, and triennially  
8           thereafter, the Secretary of Energy and the Federal trans-  
9           mitting utilities, in cooperation with the Director of the  
10          Bureau of Land Management, the Director of the United  
11          States Geological Survey, the Commissioner of Reclama-  
12          tion, the Director of the Forest Service, the Director of  
13          the United States Fish and Wildlife Service, and the Sec-  
14          retary of Defense, and after consultation with the Gov-  
15          ernors of the States, shall recommend to the President  
16          and Congress—

17           “(1) specific areas with the greatest potential  
18           for environmentally acceptable renewable energy re-  
19           source development; and

20           “(2) any modifications of laws (including regu-  
21           lations) and resource management plans necessary  
22           to fully achieve that potential, including identifying  
23           improvements to permit application processes involv-  
24           ing military and civilian agencies.

1       “(e) REVISION OF DESIGNATIONS.—Based on the  
2 recommendations received under subsection (d), the Presi-  
3 dent may revise the designations made under subsection  
4 (a), as appropriate.

5       **“SEC. 233. ENCOURAGING CLEAN ENERGY DEVELOPMENT**  
6                                   **IN NATIONAL RENEWABLE ENERGY ZONES.**

7       “(a) COST RECOVERY.—The Commission shall pro-  
8 mulgate such regulations as are necessary to ensure that  
9 a public utility transmission provider that finances a high-  
10 voltage electric transmission facility or other renewable  
11 electricity connection facility located in 2 or more States  
12 and added in a national renewable energy zone after the  
13 date of enactment of this subpart recovers all prudently  
14 incurred costs, and a reasonable return on equity, associ-  
15 ated with the new transmission capacity.

16       “(b) ALTERNATIVE TRANSMISSION FINANCING  
17 MECHANISM.—

18               “(1) IN GENERAL.—The Commission shall per-  
19 mit a renewable energy trunkline built by a public  
20 utility transmission provider in a national renewable  
21 energy zone to be initially funded through a trans-  
22 mission charge imposed on all transmission cus-  
23 tomers of the transmission provider or, if the renew-  
24 able energy trunkline is built in an area served by  
25 a regional transmission organization or independent

1 system operator, all of the transmission customers of  
2 the transmission operator, if the Commission finds  
3 that—

4 “(A) the renewable energy resources that  
5 would use the renewable energy trunkline are  
6 remote from the grid and load centers;

7 “(B) the renewable energy trunkline will  
8 likely result in multiple individual renewable en-  
9 ergy electric generation projects being developed  
10 by multiple competing developers; and

11 “(C) the renewable energy trunkline has at  
12 least 1 project subscribed through an executed  
13 generation interconnection agreement with the  
14 transmission provider and has tangible dem-  
15 onstration of additional interest.

16 “(2) NEW ELECTRIC GENERATION PROJECTS.—

17 As new electric generation projects are constructed  
18 and interconnected to the renewable energy trunk-  
19 line, the transmission services contract holder for  
20 the generation project shall, on a prospective basis,  
21 pay a pro rata share of the facility costs of the re-  
22 newable energy trunkline, thus reducing the effect  
23 on the rates of customers of the public utility trans-  
24 mission provider.

25 “(c) FEDERAL TRANSMITTING UTILITIES.—

1           “(1) IN GENERAL.—Not later than 1 year after  
2 the designation of a national renewable energy zone,  
3 a Federal transmitting utility that owns or operates  
4 1 or more electric transmission facilities in a State  
5 with a national renewable energy zone shall identify  
6 specific additional high-voltage or other renewable  
7 electricity connection facilities required to substan-  
8 tially increase the generation of electricity from re-  
9 newable energy in the national renewable energy  
10 zone.

11           “(2) LACK OF PRIVATE FUNDS.—If, by the date  
12 that is 3 years after the date of enactment of this  
13 subpart, no privately-funded entity has committed to  
14 financing (through self-financing or through a third-  
15 party financing arrangement with a Federal trans-  
16 mitting utility) to ensure the construction and oper-  
17 ation of a high-voltage or other renewable electricity  
18 connection facility identified pursuant to paragraph  
19 (1) by a specified date, the Federal transmitting  
20 utility responsible for the identification shall finance  
21 such a transmission facility if the Federal transmit-  
22 ting utility has sufficient bonding authority under  
23 paragraph (3).

24           “(3) BONDING AUTHORITY.—



1           “(A) IN GENERAL.—In addition to any  
2 other authority to issue and sell bonds, notes,  
3 and other evidence of indebtedness, a Federal  
4 transmitting utility may issue and sell bonds,  
5 notes, and other evidence of indebtedness in an  
6 amount not to exceed, at any 1 time, an aggre-  
7 gate outstanding balance of \$10,000,000,000,  
8 to finance the construction of transmission fa-  
9 cilities identified pursuant to paragraph (1) for  
10 the principal purposes of—

11                   “(i) increasing the generation of elec-  
12 tricity from renewable energy; and

13                   “(ii) conveying that electricity to an  
14 electricity consuming area.

15           “(B) RECOVERY OF COSTS.—A Federal  
16 transmitting utility shall recover the costs of re-  
17 newable electricity connection facilities financed  
18 pursuant to paragraph (2) from entities using  
19 the transmission facilities over a period of 50  
20 years.

21           “(C) NONLIABILITY OF CERTAIN CUS-  
22 TOMERS.—Individuals and entities that, as of  
23 the date of enactment of this subpart, are cus-  
24 tomers of a Federal transmitting utility shall  
25 not be liable for the costs, in the form of in-

1           creased rates charged for electricity or trans-  
2           mission, of renewable electricity connection fa-  
3           cilities constructed pursuant to this section, ex-  
4           cept to the extent the customers are treated in  
5           a manner similar to all other users of the re-  
6           newable electricity connection facilities.

7           “(d) OPERATION OF HIGH-VOLTAGE TRANSMISSION  
8   LINES USING RENEWABLE ENERGY RESOURCES.—

9           “(1) PUBLIC UTILITIES FINANCING LIMITA-  
10          TION.—The regulations promulgated pursuant to  
11          this section shall, to the maximum extent prac-  
12          ticable, ensure that not less than 75 percent of the  
13          capacity of any high-voltage transmission lines fi-  
14          nanced pursuant to subsection (c) is used for elec-  
15          tricity from renewable energy.

16          “(2) NON-PUBLIC UTILITIES ACCESS LIMITA-  
17          TION.—Notwithstanding section 368 of the Energy  
18          Policy Act of 2005 (42 U.S.C. 15926), the Commis-  
19          sion shall promulgate regulations to ensure, to the  
20          maximum extent practicable, that not less than 75  
21          percent of the capacity of high-voltage transmission  
22          facilities sited primarily or partially on Federal land  
23          and constructed after the date of enactment of this  
24          subpart is used for electricity from renewable en-  
25          ergy.

1 **“SEC. 234. FEDERAL POWER MARKETING AGENCIES.**

2 “(a) PROMOTION OF RENEWABLE ENERGY AND EN-  
3 ERGY EFFICIENCY.—Each Federal transmitting utility  
4 shall—

5 “(1) identify and take steps to promote energy  
6 conservation and renewable energy electric resource  
7 development in the regions served by the Federal  
8 transmitting utility;

9 “(2) use the purchasing power of the Federal  
10 transmitting utility to acquire, on behalf of the Fed-  
11 eral Government, electricity from renewable energy  
12 and renewable energy credits in sufficient quantities  
13 to meet the requirements of section 203 of the En-  
14 ergy Policy Act of 2005 (42 U.S.C. 15852); and

15 “(3) identify opportunities to promote the de-  
16 velopment of facilities generating electricity from re-  
17 newable energy on Indian land.

18 “(b) WIND INTEGRATION PROGRAMS.—The Bonne-  
19 ville Power Administration and the Western Area Power  
20 Administration shall each establish a program focusing on  
21 the improvement of the integration of wind energy into  
22 the transmission grids of those Administrations through  
23 the development of transmission products, including  
24 through the use of Federal hydropower resources, that—

25 “(1) take into account the intermittent nature  
26 of wind electric generation; and

1           “(2) do not impair electric reliability.

2           “(c) SOLAR INTEGRATION PROGRAM.—Each of the  
3 Federal Power Administrations and the Tennessee Valley  
4 Authority shall establish a program to carry out projects  
5 focusing on the integration of solar energy, through photo-  
6 voltaic concentrating solar systems and other forms and  
7 systems, into the respective transmission grids and into  
8 remote and distributed applications in the respective serv-  
9 ice territories of the Federal Power Administrations and  
10 Tennessee Valley Authority, that—

11           “(1) take into account the solar energy cycle;

12           “(2) maximize the use of Federal land for gen-  
13 eration or energy storage, where appropriate; and

14           “(3) do not impair electric reliability.

15           “(d) GEOTHERMAL INTEGRATION PROGRAM.—The  
16 Bonneville Power Administration and the Western Area  
17 Power Administration shall establish a joint program to  
18 carry out projects focusing on the development and inte-  
19 gration of geothermal energy resources into the respective  
20 transmission grids of the Bonneville Power Administration  
21 and the Western Area Power Administration, as well as  
22 non-grid, distributed applications in those service terri-  
23 tories, including projects combining geothermal energy re-  
24 sources with biofuels production or other industrial or  
25 commercial uses requiring process heat inputs, that—

1           “(1) maximize the use of Federal land for the  
2 projects and activities;

3           “(2) displace fossil fuel baseload generation or  
4 petroleum imports; and

5           “(3) improve electric reliability.

6           “(e) RENEWABLE ELECTRICITY AND ENERGY SECUR-  
7 RITY PROJECTS.—

8           “(1) IN GENERAL.—The Federal transmitting  
9 utilities, shall, in consultation with the Commission,  
10 the Secretary, the National Association of Regu-  
11 latory Utility Commissioners, and such other individ-  
12 uals and entities as are necessary, undertake geo-  
13 graphically diverse projects within the respective  
14 service territories of the utilities to acquire and dem-  
15 onstrate grid-enabled and nongrid-enabled plug-in  
16 electric and hybrid electric vehicles and related tech-  
17 nologies as part of their fleets of vehicles.

18           “(2) INCREASE IN RENEWABLE ENERGY USE.—  
19 To the maximum extent practicable, each project  
20 conducted pursuant to any of subsections (b)  
21 through (d) shall include a component to develop ve-  
22 hicle technology, utility systems, batteries, power  
23 electronics, or such other related devices as are able  
24 to substitute, as the main fuel source for vehicles,

1 transportation-sector petroleum consumption with  
2 electricity from renewable energy sources.

3 **“SEC. 235. RELATIONSHIP TO OTHER LAWS.**

4 “Nothing in this subpart supersedes or affects any  
5 Federal environmental, public health or public land protec-  
6 tion, or historic preservation law, including—

7 “(1) the National Environmental Policy Act of  
8 1969 (42 U.S.C. 4321 et seq.);

9 “(2) the Endangered Species Act of 1973 (16  
10 U.S.C. 1531 et seq.); and

11 “(3) the National Historic Preservation Act (16  
12 U.S.C. 470 et seq.).”.

13 (b) TRANSMISSION COST ALLOCATION.—Section 206  
14 of the Federal Power Act (16 U.S.C. 824e) is amended  
15 by adding at the end the following:

16 “(f) TRANSMISSION COST ALLOCATION.—

17 “(1) IN GENERAL.—Not later than 180 days  
18 after the date on which the President designates an  
19 area as a national renewable energy zone under sec-  
20 tion 232, the State utility commissions or other ap-  
21 propriate bodies having jurisdiction over the public  
22 utilities providing service in the national renewable  
23 energy zone or an adjacent electricity consuming  
24 area may jointly propose to the Commission a cost  
25 allocation plan for high-voltage electric transmission

1 facilities built by a public utility transmission pro-  
2 vider that would serve the electricity consuming  
3 area.

4 “(2) APPROVAL.—The Commission may ap-  
5 prove a plan proposed under paragraph (1) if the  
6 Commission determines that—

7 “(A) taking into account the users of the  
8 transmission facilities, the plan will result in  
9 rates that are just and reasonable and not un-  
10 duly discriminatory or preferential; and

11 “(B) the plan would not unduly inhibit the  
12 development of renewable energy electric gen-  
13 eration projects.

14 “(3) COST ALLOCATION.—Unless a plan is ap-  
15 proved by the Commission under paragraph (2), the  
16 Commission shall fairly allocate the costs of new  
17 high-voltage electric transmission facilities built in  
18 the area by 1 or more public utility transmission  
19 providers (recognizing the national and regional ben-  
20 efits associated with increased access to electricity  
21 from renewable energy) pursuant to a rolled-in  
22 transmission charge.

23 “(4) FEDERAL TRANSMITTING UTILITY.—Noth-  
24 ing in this subsection expands, directly or indirectly,

1 the jurisdiction of the Commission with respect to  
2 any Federal transmitting utility.”.

3 (c) CONFORMING AMENDMENTS.—

4 (1) Section 3 of the Federal Power Act (42  
5 U.S.C. 796) is amended by adding at the end the  
6 following:

7 “(30) ELECTRIC DRIVE VEHICLE.—

8 “(A) IN GENERAL.—The term ‘electric  
9 drive vehicle’ means a vehicle that uses—

10 “(i) an electric motor for all or part  
11 of the motive power of the vehicle; and

12 “(ii) off-board electricity wherever  
13 practicable.

14 “(B) INCLUSIONS.—The term ‘electric  
15 drive vehicle’ includes—

16 “(i) a battery electric vehicle;

17 “(ii) a plug-in hybrid electric vehicle;

18 and

19 “(iii) a plug-in hybrid fuel cell vehi-  
20 cle.”.

21 (2) Subpart A of part II of the Federal Power  
22 Act (as redesignated by subsection (a)) is amend-  
23 ed—

24 (A) in the heading of section 201, by strik-  
25 ing “PART” and inserting “SUBPART”; and



- 1 (B) by striking “this Part” each place it
- 2 appears and inserting “this subpart”.

○